

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB561**

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**Hearing Date:** Thursday March 07, 2013  
**Committee On:** Judiciary  
**Introducer:** Ashford  
**One Liner:** State findings and intent for changes to the juvenile justice system and a funding mechanism

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Ashford, Christensen, Davis, Coash, Lathrop, McGill, Seiler
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Chambers
<b>Present Not Voting:</b>		

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**Proponents:**

SEN. BRAD ASHFORD  
BILL KRIST  
TERRY LEE  
ELLEN FABIAN BROKOFSKY  
THOMAS PRISTOW  
KENT TURNBULL  
SARAH FORREST  
JOHN CAVANAUGH  
ANNE HOBBS  
MONICA MILES-STEFFENS  
DENNIS MARKS

**Representing:**

INTRODUCER  
SELF  
SELF  
OFFICE OF PROBATION  
DHHS  
SELF, 11TH JUDICIAL DISTRICT PILOT PROJECT  
VOICES FOR CHILDREN  
BUILDING BRIGHT FUTURES  
JUVENILE JUSTICE INSTITUTE  
MILES AHEAD CONSULTING  
SELF

**Opponents:**

SHAWN EATHERTON  
  
MARK YOUNG  
  
NICOLE GOALEY  
ALICIA HENDERSON  
ARACELI MORALES  
JULIE DAKE-ABEL  
SHARON KENNEL  
RICHARD WEHLAND  
FRANK HEINISCH  
ARRON ADAMS  
ROBIN SMITH  
NANCY LYON  
SUE BOKENKAMP  
BILL WILLIAMS

**Representing:**

NE COUNTY ATTORNEYS ORGANIZATION,  
BUFFALO COUNTY ATTORNEYS OFFICE  
HALL COUNTY ATTORNEY, COUNTY ATTORNEY  
ASSOCIATION  
NE COUNTY ATTORNEY, DOUGLAS COUNTY  
NE COUNTY ATTORNEYS ASSOCIATION  
SELF  
NAPE  
YRTC GENEVA  
SELF  
SELF  
NAPE  
NAPE  
SELF  
SELF  
COMPASS

**Neutral:**

JOANNA LINDBERG  
 KELLY SCHADWINKEL  
 JENNIFER PIATT  
 MICHELLE SCHINDLER  
 LAURA MCCORMICK  
 CRYSTAL RHOADES  
 JULIE ROGERS

ELAINE MENZEL

**Representing:**

HEARTLAND FAMILY SERVICE  
 HALL COUNTY JUVENILE SERVICES  
 SELF  
 LANCASTER COUNTY  
 SELF  
 DOUGLAS COUNTY  
 INSPECTOR GENERAL NEBRASKA CHILD  
 WELFARE  
 NACO

**Summary of purpose and/or changes:**

Legislative Bill 561 would expand the Nebraska Juvenile Service Delivery Project statewide and create the Office of Juvenile Assistance under the Supreme Court. The OJA would coordinate diversion programming, violence prevention programming, the distribution of juvenile grants and the collaboration between juvenile justice entities and the Juvenile Justice Institute, the University of Nebraska Medical Center and national experts. The Office of Juvenile Services and the Youth Rehabilitation and Treatment Centers in Kearney and Geneva would be eliminated or substantially transformed pursuant to a transition plan developed and implemented prior To January 1, 2015. Juveniles in the system would be supervised by Probation and treated in their homes and communities whenever possible utilizing evidence-based practices. The County Juvenile Services Aid Program would be enhanced with an additional \$10 million to help counties develop community-based service options. The bill would also provide for the use of social impact bonds to finance projects authorized by the Office of Juvenile Assistance.

**Explanation of amendments:**

Committee Amendment AM 734 would replace the green copy of the bill to enact the following provisions:

--Expansion of the Nebraska Juvenile Services Delivery Project - The Project would be expanded statewide in a three-step process starting July 1, 2013 and ending July 1, 2014. The Project would be expanded to include community supervision, evaluations and the reentry function for kids leaving the YRTCs. The Office of Juvenile Services budget used for community supervision, evaluations and parole would be transferred to the Office of Probation Administration to fund the expansion. (pp. 69-70)

Intensive Supervised Probation is created for cases in which all levels of probation supervision and options for community-based services have been exhausted and the commitment of the juvenile to OJS for placement at a YRTC is necessary for the protection of the juvenile and the public. (pp. 14-15)

Strikes OJS authority for community supervision, parole and evaluations after July 1, 2014. (pp. 14-15 & 23-47)

--Limitation on sending juveniles to secure detention or YRTC %u2013 a juvenile cannot be sent unless it is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or the juvenile is likely to flee the jurisdiction of the court. (pp. 9, 12, 14)

--Changes to the juvenile evaluation requirements - evaluations must be completed and the juvenile returned to the court within 21 days. As the Project expands, the OJS evaluations will no longer be required and more single-focus evaluations will be utilized when appropriate. Such single focus evaluations will be less time consuming and less expensive. (pp. 12-13)

--Add \$10 million to the County Juvenile Services Aid Program yearly and rename it the Community-based Juvenile Services Aid Program to promote the development of community based care across the state. The grants would remain in the Crime Commission and a Director position would be created to oversee meaningful, effective management and disbursement of aid dollars to expand and encourage the use of diversion and community-based services to treat youth on the front end of the system. (pp. 47-56 & p. 69)

--Create the position of the Director of Juvenile Diversion Programs in the Crime Commission to assist in the creation and maintenance of juvenile pre-trial diversion programs to keep more kids out of the judicial system and in community-based services. (pp. 64-66)

--Require additional recommendations from the Children's Commission OJS Sub-Committee regarding the role of the YRTCs in juvenile justice system and the need for mental and behavioral health services for juvenile in Nebraska. Provide for appropriation for reimbursement of expenses and a consultant. (pp. 62-62 & p. 69)

--Create a Community and Family Reentry Process for juveniles leaving a YRTC to more effectively reenter their communities with the involvement of their families. The program will be implemented by the Office of Probation Administration in cooperation with the Office of Juvenile Services. (pp. 66-69)

--LB 463 (Ashford) - Add a juvenile judge to Douglas County Separate Juvenile Court. (pp 22-23)

--LB 471 (Coash) - Would provide that a juvenile committed by the court to the Office of Juvenile Services does not need to be evaluated prior to commitment if the court finds that a substantially equivalent evaluation has been done in the previous 12 months or if an addendum to a previous evaluation would be appropriate. (p. 39)

--LB 86 (McGill) - Would provide that staff secure juvenile detention facilities be placed under the general oversight of the Jail Standards Board. (pp. 77-84)

--Provision of LB 562 (Ashford)- Would provide Probation officers with more access to information to make decisions regarding cross-over youth. (pp. 2-3)

--Social Impact Bond language - Would amend the New Markets Job Growth Investment Act and other sections of statute to authorize social-impact projects related to the juvenile justice system. (pp. 73-76)

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Brad Ashford, Chairperson